

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---------------------------|---|---------------------|
| STEPHANIE SMITH, et al., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:25 CV 404 CDP |
| |) | |
| AMAZON.COM, INC., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This newly filed case is before me for review of subject-matter jurisdiction and other matters.

Plaintiffs Stephanie Smith, Leonie Trunte, and M.L. bring this action alleging that defendants Amazon.com, Inc. and Amazon.com Services, LLC sold and distributed spy cameras from their online retail platforms to an individual who installed and used the cameras to violate plaintiffs' privacy, surreptitiously record plaintiffs for sexual purposes, and/or to create or store child sexual abuse material. Plaintiffs bring claims of negligence, product liability, tort of outrage, and civil conspiracy against the Amazon defendants and "John Doe Entities 1-10," whom plaintiffs assert are unidentified manufacturers and distributors of the spy cameras. Plaintiffs invoke this Court's diversity jurisdiction under 28 U.S.C. § 1332.

I have reviewed plaintiffs' complaint and find that there is no adequate

statement of citizenship with respect to the LLC defendant nor with respect to any plaintiff. Moreover, it appears from the face of the complaint that plaintiff M.L. is a minor, but there is no indication that the interests of M.L. are protected by a duly appointed representative, next friend, or guardian ad litem as required under Federal Rule of Civil Procedure 17(c). Finally, although plaintiffs refer to John Doe defendants in the body of their complaint, the caption of the complaint does not include the Doe defendants as required under Rule 10(a). I will therefore order plaintiffs to file an amended complaint to properly allege this Court's subject-matter jurisdiction and to cure the identified deficiencies.

Regarding the citizenship of the parties, plaintiffs assert that defendant Amazon.com, LLC is a "Delaware limited liability company with managers located in Seattle, King County, Washington." (ECF 1, Compl. at ¶ 5.) For diversity purposes, an LLC's citizenship is the citizenship of all its members. *GMAC Com. Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). But the complaint neither identifies the members of the LLC nor alleges the citizenship of any member. The complaint also asserts that plaintiff Smith "is a resident of St. Louis County, Missouri"; that plaintiff Trunte "is a resident of Germany"; and that plaintiff M.L. "is a resident of Germany." (*Id.* at ¶¶ 1-3.) A statement of an individual's "residency," however, is insufficient to establish that person's citizenship. *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir.

1987). Because there is no sufficient statement of citizenship with respect to any plaintiff in the case or with the LLC defendant, I am unable to determine if this Court has subject-matter jurisdiction.


I will give plaintiffs ten (10) days to amend their complaint to properly allege this Court's subject-matter jurisdiction. Plaintiffs shall include with the amended complaint a statement that plaintiff M.L. is properly represented under Rule 17(c)(1) and shall identify the representative and their authority to act as representative. In the absence of a properly identified representative, a motion for the appointment of next friend must be filed with the amended complaint. Fed. R. Civ. P. 17(c)(2). Finally, as the caption of the initial complaint appears to be defective under Rule 10(a), the caption of the amended complaint shall name all parties to the action.

Therefore,

IT IS HEREBY ORDERED that **within ten (10) days of the date of this Order**, plaintiffs shall file an amended complaint that 1) properly alleges this Court's subject-matter jurisdiction; 2) identifies a proper representative for M.L. and their authority under Federal Rule of Civil Procedure 17(c)(1), or includes a motion for the appointment of next friend under Rule 17(c)(2); and 3) names all parties in the caption as required under Rule 10(a). As none of the defendants have entered their appearance in this action, plaintiffs shall serve the amended

complaint upon the named defendants in accordance with Federal Rule of Civil Procedure 4.

Failure to timely and properly allege subject-matter jurisdiction will result in the dismissal of this action without prejudice for lack of jurisdiction. Failure to timely comply with any other part of this Order may result in the imposition of sanctions.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2025.